

CUSD Governing Board Censure Process Frequently Asked Questions

What is a censure?

A censure hearing is not censorship. Board policy defines censure as ‘*a formal resolution of the Board officially reprimanding one of its members. Censure is an appropriate punitive measure when the violation of law, bylaw or policy is deemed by the Board to be a serious offense. In order to protect the overriding principle of freedom of speech, the Board shall not impose “censure” on any of its members for the exercise of his or her First Amendment rights no matter how distasteful the expression was to the District and Board.*’

Who initiates a censure against a Board member?

A request for a censure hearing must be submitted to the Superintendent in writing by no less than two nor more than three members of the Board. The request must include specific accusations of violation. The request becomes a motion which is taken during a Regularly scheduled Board meeting.

What actions by a Board member would cause a censure request?

Any action that violates state or federal laws applicable to the District; or violates Board adopted Protocol, Policy, Bylaw, or Regulation.

Is a censure hearing conducted in public and who participates in the hearing?

A censure hearing happens during a regularly scheduled Board meeting and is agendized in accordance with the Brown Act. The Board President will open the hearing with a summary of the charges. Trustees will have all evidence a minimum of five days prior to the hearing. During the hearing the member of the Board who is the subject of the censure (or the member’s personal attorney) will present his/her case. All Board members may respond to the presentation and can ask follow-up questions.

What happens after both sides have presented their case?

The decision to censure requires the adoption of a written Resolution that includes substantial evidence in support of a specific charge. The Resolution must be approved by a two-thirds vote of the Board.

What are the consequences of a censure?

If a Resolution passes it serves as a public reprimand for a trustee to adhere to his or her duties as defined by law and board policy. A censured trustee has the same full ability to speak and participate as a member of the Governing Board as all other trustees.

Where can I read the CUSD Bylaw that governs the censure process?

[Governance Bylaw 9005](#)